



**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Authorize Request for Use of City Letterhead Pursuant to City Council Protocol Manual Section 7.4 and Government Code Section 82015

MEETING DATE: June 6, 2012

PREPARED BY: City Clerk

RECOMMENDED ACTION: Authorize request for use of City letterhead pursuant to City Council Protocol Manual Section 7.4 and Government Code Section 82015.

BACKGROUND INFORMATION: The City received a request for use of the City letterhead through Council Member Johnson on May 17, 2012 with respect to creating a marketing portfolio to be used for fundraising purposes for the Grape Bowl.

As you are aware, City Council Protocol Manual Section 7.4 states Council Member correspondence written with City resources (i.e., letterhead, staff support, postage, etc.) will reflect a majority position of the Council and be copied to the full Council.

In addition, pursuant to the Fair Political Practices Commission (FPPC) Regulations, the Political Reform Act and Government Code Section 82015(b)(2)(B)(iii), an elected official is required to disclose payments made at their behest for legislative, governmental or charitable purposes when the payment meets or exceeds \$5,000 from a single source in a calendar year. When such a payment is made, the elected official must file Form 803 with the local elections official within 30 days of the date the behested payment is made. Upon receipt, the City Clerk is required to post Form 803 on the City's website.

Section 7.4 of the Protocol Manual, Government Code Section 82015(b)(2)(B)(iii) and Form 803 are attached for reference purposes.

It is recommended that the City Council authorize the aforementioned usage of the City's letterhead if so desired.

FISCAL IMPACT: None.

FUNDING AVAILABLE: Not applicable.

Randi Johl
City Clerk

APPROVED:

Konradt Bartlam, City Manager

City Council Protocol Manual

7.4 Use of City Letterhead or City Seal

All Council Member correspondence written on City resources, i.e. letterhead, staff support, postage, etc., will reflect a majority position of the Council, not individual Council Members' positions. **All** Council Member correspondence using City resources shall be copied to the full Council. The City Clerk is the custodian of the Official City Seal pursuant to Lodi Municipal Code 2.13.010. The City Seal shall not be altered and is to be used only on official City documents.

California Government Code

82015.

...

(b) (1) **A** payment made at the behest of a committee as defined in subdivision (a) of Section 82013 is a contribution to the committee unless full and adequate consideration is received from the committee for making the payment.

(2) **A** payment made at the behest of a candidate is a contribution to the candidate unless the criteria in either subparagraph **(A)** or **(B)** are satisfied:

(B) It is clear from the surrounding circumstances that the payment was made for purposes unrelated to his or her candidacy for elective office. The following types of payments are presumed to be for purposes unrelated to a candidate's candidacy for elective office:

...

(iii) **A** payment not covered by clause (i), made principally for legislative, governmental, or charitable purposes, in which case it is neither a gift nor a contribution. However, payments of this type that are made at the behest of a candidate who is an elected officer shall be reported within 30 days following the date on which the payment or payments equal or exceed five thousand dollars (\$5,000) in the aggregate from the same source in the same calendar year in which they are made. The report shall be filed by the elected officer with the elected officer's agency and shall be a public record subject to inspection and copying pursuant to subdivision (a) of Section 81008. The report shall contain the following information: name of payor, address of payor, amount of the payment, date or dates the payment or payments were made, the name and address of the payee, a brief description of the goods or services provided or purchased, if any, and a description of the specific purpose or event for which the payment or payments were made. Once the five-thousand-dollar (\$5,000) aggregate threshold from a single source has been reached for a calendar year, all payments for the calendar year made by that source must be disclosed within 30 days after the date the threshold was reached or the payment was made, whichever occurs later. Within 30 days after receipt of the report, state agencies shall forward a copy of these reports to the Fair Political Practices Commission, and local agencies shall forward a copy of these reports to the officer with whom elected officers of that agency file their campaign statements.

Behested Pavment Report

A Public Document

Behested Payment Report

1. Elected Officer or CPUC Member (Last name, First name)

Date Stamp

California Form 803

For Official Use Only

Agency Name

Agency Street Address

Designated Contact Person (Name and title, if different)

☐ Amendment (See Part 5)

Area Code/Phone Number

E-mail (Optional)

Date of Original Filing: _____
(month, day, year)

2. Payor Information (For additional payors, include an attachment with the names and addresses.)

Name

Address

City

State

Zip Code

3. Payee Information (For additional payees, include an attachment with the names and addresses.)

Name

Address

City

State

Zip Code

4. Payment Information (Complete all information.)

Date of Payment: _____
(month, day, year)

Amount of Payment: (In-Kind FMV) \$ _____
(Round to whole dollars.)

Payment Type: ☐ Monetary Donation or ☐ In-Kind Goods or Services (Provide description below.)

Brief Description of In-Kind Payment: _____

Purpose: (Check one and provide description below.) ☐ Legislative ☐ Governmental ☐ Charitable

Describe the legislative, governmental, charitable purpose, or event: _____

5. Amendment Description or Comments

6. Verification

I certify, under penalty of perjury under the laws of the State of California, that to the best of my knowledge, the information contained herein is true and complete.

Executed on _____
DATE

By _____
SIGNATURE OF ELECTED OFFICER OR CPUC MEMBER

Clear Form

Print Form

FPPC Form 803 (December/09)
FPPC Toll-Free Helpline: 866/ASK-FPPC (866/275-3772)

Behested Payment Report**A Public Document**

This report is for use by elected officers and members of the California Public Utilities Commission (CPUC) to disclose payments made at their behest, principally for legislative, governmental, or charitable purposes. This form was prepared by the Fair Political Practices Commission (FPPC) and is available at www.fppc.ca.gov.

When to File

File Form 803 within 30 days following the date on which the payment(s) meets or exceeds five thousand dollars (\$5,000) in the aggregate from a single source in a calendar year. Once a single source has made a behested payment of \$5,000 or more during the calendar year, subsequent payments of any amount from that source must be reported.

Where to File

State Officials: The official's state agency must receive Form 803 within 30 days of the date the behested payment is made. Within 30 days after receipt of the report, the state agency must forward a copy to the Fair Political Practices Commission (FPPC) 428 J Street, Suite 620, Sacramento, CA 95814.
Fax: 916-322-0886 E-mail: Form803@fppc.ca.gov

Local Officials: The official's local agency must receive Form 803 within 30 days of the date the behested payment is made. Within 30 days after receipt of the report, the agency must forward a copy to the filing officer who receives the official's original campaign statements.

General Information: Behested payments are payments made principally for legislative, governmental, or charitable purposes under Government Code Section 82015(b)(2)(B)(iii). These payments are not for personal or campaign purposes. Generally, a donation is made at the behest if it is requested, solicited, or suggested by the official, or otherwise made to a person in cooperation, consultation, coordination with, or at the consent of, the elected officer or CPUC member. This includes payments behested by the official or by his or her agent or employee on the official's behalf.

Privacy Information Notice: Information requested by the FPPC is required by and used to administer and enforce the Political Reform Act. Failure to provide information may be a violation subject to administrative, criminal, or civil penalties. All reports and statements are public records available for inspection and reproduction. If you have any question regarding this notice, please contact General Counsel at 428 J Street, Suite 620, Sacramento, CA 95814 or (916) 322-5660.

Instructions

Part 1: Identification: Identify the official's name, agency, address, and contact information. Mark the amendment box if changing information on a previously filed Form 803 and include the date of the original filing.

Part 2: Payor Information: Disclose the name and address of the person making the payment. A business address is acceptable.

Part 3: Payee Information: Identify the name and address of the person receiving the payment, if applicable. A business address is acceptable.

Part 4: Payment Information: Disclose the payment date and amount using the fair market value (FMV) for donated in-kind goods or services. Check one box to identify the type of payment and provide a description if the payment is an in-kind good or service. Check one box to identify the purpose and provide a description. Use Part 5 for additional or clarifying information.

Part 5: Amendment Description or Comments: Complete this section if amending a previously filed Form 803 or to provide additional information.

Part 6: Verification: Date and sign the form under penalty of perjury.

Example

On April 24, 2010, at CPUC Member Tully's request, the ABC Corporation made a monetary donation of \$5,000 to the Boys and Girls Club.

1. Payor Information (For additional payors, include an attachment with the names and addresses.)			
ABC Corporation			
Name			
1234 Alpha Ave.,	Sacramento	CA	95814
Address	City	State	Zip Code
2. Payee Information (For additional payees, include an attachment with the names and addresses.)			
The Boys and Girls Club			
Name			
5678 Bravo Blvd.,	Sacramento	CA	95814
Address	City	State	Zip Code
3. Payment Information (Complete all information.)			
Date of Payment:	April 24, 2010 <small>(month, day, year)</small>	Amount of Payment: (in-kind FMV)	\$ 5,000 <small>(Round to whole dollars)</small>
Payment Type:	<input checked="" type="checkbox"/> Monetary Donation or <input type="checkbox"/> In-Kind Goods or Services (Provide description below)		
Brief Description of In-Kind Payment: _____			
Purpose: (Check one and provide description below) <input type="checkbox"/> Legislative <input type="checkbox"/> Governmental <input checked="" type="checkbox"/> Charitable			
Describe the legislative, governmental, charitable purpose, or event: <u>Donation to children's community service organization.</u>			